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## MEMO ENDORSED

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December 19, 2022

VIA ECF

**Re: Simmons v. Success Academy Charter Schools, Inc. Case No. 21-cv-10367**

Dear Judge Ramos:

We represent Defendant Success Academy Charter Schools, Inc. (“Success Academy” or “Defendant”) in connection with the above-referenced matter. We submit this letter pursuant to Rule 1.E. of Your Honor’s Individual Practices to respectfully request an extension of Defendant’s time to file a Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure (“FRCP”) 56 from January 9, 2023, up to and including January 30, 2023. The Court has previously granted one extension of time to complete discovery in this case.

On or about October 14, 2022, the Court granted Plaintiff’s request for an extension of time to complete discovery up to and including December 7, 2022, so as to allow Plaintiff time to complete all non-party depositions in this case. Plaintiff proceeded to take two non-party depositions on November 29, 2022, and December 13, 2022. The Parties are still waiting to receive transcripts from those depositions. Pursuant to FRCP 30(e)(1), once the Parties receive the deposition transcripts, the witnesses will have thirty (30) days to review the transcripts and make any requisite changes. Under this rule, therefore, Defendant’s Motion for Summary Judgment will be due before we have the final deposition transcripts.

To allow the witnesses time to receive and review their transcripts, and for Defendant to then prepare the 56.1 statement and accompanying motion papers, Defendant respectfully requests an extension of time to file its Motion for Summary Judgment, with the following briefing schedule: 1) Defendant to file its Motion by January 30, 2023; 2) Plaintiff to file her Opposition by March 1, 2023; and 3) Defendant to file its Reply by March 16, 2023. Plaintiff consents to this extension request and briefing schedule.

We thank the Court for its attention to this matter.

Success Academy's request is granted. Success Academy shall file its motion by January 30, 2023; Simmons shall respond by March 1, 2023; and Success Academy shall reply by March 16, 2023. SO ORDERED.

Edgardo Ramos, U.S.D.J.  
Dated: December 19, 2022  
New York, New York

Respectfully submitted,

/s Diane Windholz

Diane Windholz